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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR 18 PM 12:00
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

'08 MJ 1201

UNITED STATES OF AMERICA, Plaintiff, v. **Esteban YEPEZ-Aguldelo,** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 16, 2008,** within the Southern District of California, defendant, **Esteban YEPEZ-Aguldelo,** an alien, who previously had been excluded, deported and removed from the United States to **Colombia**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **APRIL 2008.**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Esteban YEPEZ-Aguldelo

PROBABLE CAUSE STATEMENT

On April 16, 2008, Border Patrol Agent S. Vasquez was performing his assigned duties near Tecate, California. At approximately 3:00 P.M., Agent Vasquez responded to a seismic intrusion device activation located in an area that is approximately 5.25 miles west of the Tecate, California Port of Entry and approximately one mile north of the International Boundary between the United States and Mexico.

Agent Vasquez responded to the area and found three individuals hiding near a trail. He approached the group and identified himself as a Border Patrol Agent and proceeded to conduct an immigration inspection. Two of the individuals admitted to being citizens and nationals of Mexico without any documents that would allow them to be or remain in the United States legally. The third subject later identified as the defendant **Esteban YEPEZ-Aguldelo,** admitted to being a citizen and national of Colombia without any immigration documents to enter or remain within the United States legally. All three individuals were placed under arrest and transported to the Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Colombia** on **August 5, 2004** through **Miami, Florida**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.